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INJUNCTION—PROSECUTION OF ACTION.—VAN RIEMPST v. WEIHER, 116 N. Y. SUPP. 218.—Where a tenant sued to cancel a lease, claiming it was induced by fraud, and alleged facts which, if established, might entitle him to a cancellation, *held*, that he was entitled to have an action brought by the landlord in the municipal court for rent, stayed until determination of the action for cancellation. Clark and Scott, JJ., *dissenting*.

It is well established that fraud, accident, mistake, and discovery are grounds upon which an injunction may be allowed to stay proceedings at law. *Diller v. Rosenthal*, 6 Luz. Leg. Reg. 33 (Pa.). However, equity will not enjoin an action at law when the party seeking the injunction has a good defense at law. *Savage v. Allen*, 54 N. Y. 458. Thus, the weight of authority, contrary to the ruling of the case under discussion, seems to be, that where the facts relied on for an injunction against a common law action are available as a defense to the action, an injunction will not be granted. *Peacock v. Irvine*, 42 So. 894 (Fla.). But, although the facts set up in the bill to enjoin an action at law may be used in defending against that action, equity will not refuse relief unless the remedy thereby offered is adequate. *Bissell v. Beckwith*, 33 Conn. 357. Thus, if an action at law gives an unfair advantage to the adverse party, equity will interfere and grant relief by injunction. *Lindley v. Russell*, 16 Mo. App. 217; *Long Dock Co. v. Bentley*, 37 N. J. Eq. 15. Likewise, injunction may be sought to restrain a suit at law where the latter only involves a portion of the controversy, or is liable to leave an apparent record title clouding the legal title in issue. *Shaw v. Chambers*, 48 Mich. 355.

INTOXICATING LIQUORS—ILLEGAL SALES—DEVICES—CLUBS.—STATE v. CITY CLUB, 65 S. E. 730 (S. C.).—*Held*, that when a so-called club is a mere device to evade the law against the sale of intoxicating liquors, and its real or main purpose is to provide liquors for its members at a price paid, or agreed to be paid, there is a sale.

The rulings enforced upon this holding throughout the country appear to vary considerably. It has been held, that, despite the fact that the club is organized in good faith and not as a mere device to evade the law, a social club, whether incorporated or not, which dispenses liquors to its members at a price paid, or agreed to be paid, is within the statute requiring dram shops to be licensed. *South Shore Country Club v. State*, 228 Ill. 75. And without qualification, the distribution of intoxicating liquors among the members of a club is a sale within the law. *State v. Johns*, 118 N. W. 295. But, *contra*, the furnishing of intoxicating liquors, without profit, by a club organized and existing in good faith with a limited and selected membership, does not constitute a sale within the meaning of the statute. *People v. Adelphi Club*, 149 N. Y. 5; *Commonwealth v. Ewing*, 145 Mass. 119. Again it has been held that a statute applying to barrooms also applies to social clubs, for a ruling prohibiting a barroom from keeping open on Sunday also prohibits a social club from keeping open its rooms on Sunday for the purpose of selling liquors to its members. *Beauvoir Club v. State*, 148 Ala. 643.